

STATE OF INDIANA FILED IN IN THE LAKE CIRCUIT/SUPERIOR COURT

COUNTY OF LAKE) CLERK'S OFFICE)
CAUSE NO. 450110403PL00042

STATE OF INDIANA,)
04 MAR 31 AM 11 26)

THOMAS R. PHILPOT)
Plaintiff, LAKE SUPERIOR COURT)

v.)

WILLIAM DODARO,)

Defendant.)

COMPLAINT FOR INJUNCTION, COSTS, AND CIVIL PENALTIES

The Plaintiff, State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Terry Tolliver, petitions the Court pursuant to the Indiana Deceptive Consumer Sales Act, Indiana Code § 24-5-0.5-1 *et seq.*, for injunctive relief, civil penalties, costs, and other relief.

PARTIES

1. The Plaintiff, State of Indiana is authorized to bring this action and to seek injunctive and other statutory relief pursuant to Ind. Code § 24-5-0.5-4(c).
2. The Defendant, William Dodaro, ("Dodaro"), is an individual engaged in the sale of items via the Internet, with a principle place of business located at 8760 Schillton Drive, Saint John, Indiana.

FACTS

3. At least since September 15, 2003, the Defendant has repeatedly offered items for sale via the Internet to consumers.

4. On or about September 15, 2003, the Defendant entered into a contract with Amanda Jane Corrigan ("Corrigan") of Braintree, United Kingdom, wherein the Defendant represented that he would sell a Rolex Datejust to Corrigan for One Thousand Two Hundred Ninety-Nine Dollars (\$1,299.00), which Corrigan paid.

5. After receiving the watch, Corrigan took the Rolex to a UK Dealer on October 16, 2003 to determine its authenticity and found out that the Rolex was not a genuine Rolex, but an imitation watch.

6. On November 3, 2003, Dodaro refunded Corrigan's money by mailing a check to Corrigan's Florida bank account.

COUNT I-VIOLATIONS OF THE DECEPTIVE CONSUMER SALES ACT

7. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 6 above.

8. The transaction referred to in paragraph 4, is a "consumer transactions" as defined by Ind. Code § 24-5-0.5-2(a)(1).

9. The Defendant is a "supplier" as defined by Ind. Code § 24-5-0.5-2(a)(3).

10. The Defendant's representation to Corrigan that the Rolex for sale had sponsorship, approval, performance, characteristics, accessories, uses, or benefits it did not have, which the Defendant knew or should reasonably have known it did not have such, as referenced in paragraph 4, are violations of the Indiana Deceptive Consumer Sales Act Ind. Code § 24-5-0.5-3(a)(1).

11. The Defendant's representation to Corrigan that the Rolex was of a particular standard, quality, grade, style, or model, that it was not, when the Defendant knew or should reasonably have known that it was not, as referenced in paragraph 4, is a violation of the Indiana Deceptive Consumer Sales Act, Ind. Code § 24-5-0.5-3(a)(2).

**COUNT II- KNOWING AND INTENTIONAL VIOLATIONS OF
THE DECEPTIVE CONSUMER SALES ACT**

12. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 11 above.

13. The misrepresentation and deceptive act set forth in paragraph 4 was committed by the Defendant with knowledge and intent to deceive.

RELIEF

WHEREFORE, the Plaintiff, State of Indiana, requests the Court enter judgment against the Defendant, William Dodaro, for a permanent injunction pursuant to Ind. Code §24-5-0.5-4(c)(1), enjoining the Defendant from the following:

a. representing expressly or by implication that the subject of a consumer transaction has sponsorship, approval, characteristics, accessories, uses, or benefits it does not have which the Defendant knows or reasonably should know it does not have; and

b. representing expressly or by implication that the subject of a consumer transaction is of a particular standard, quality, grade, style, or model, if it is not and the Defendant knows or should reasonably know that it is not.

AND WHEREFORE, the Plaintiff, State of Indiana, further requests the Court enter judgment against the Defendant for the following relief:

a. costs pursuant to Ind. Code § 24-5-0.5-4(c)(3), awarding the Office of the Attorney General its reasonable expenses incurred in the investigation and prosecution of this action;

b. on Count II of the Plaintiff's complaint, civil penalties pursuant to Ind. Code § 24-5-0.5-4(g) for the Defendant's knowing violations of the Deceptive Consumer Sales Act, in the amount of Five Hundred Dollars (\$500.00) per violation, payable to the State of Indiana;

c. on Count II of the Plaintiff's complaint, civil penalties pursuant to Ind. Code § 24-5-0.5-8 for the Defendant's intentional violations of the Deceptive Consumer Sales Act, in the amount of Five Hundred Dollars (\$500.00) per violation, payable to the State of Indiana; and

d. all other just and proper relief.

Respectfully submitted,

STEVE CARTER
Indiana Attorney General
Atty. No. 4150-64

By: 

Terry Tolliver
Deputy Attorney General
Atty. No. 22556-49

Office of Attorney General
Indiana Government Center South
302 W. Washington, 5th Floor
Indianapolis, IN 46204
Telephone: (317) 233-3300